



Entered on Docket
October 27, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,²

USA SECURITIES, LLC,³

Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING FIFTEENTH
OMNIBUS OBJECTION OF USACM
LIQUIDATING TRUST TO DOUBLE
COUNTED CLAIMS**

Hearing Date: October 19, 2009
Hearing Time: 3:00 p.m.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Fifteenth Omnibus Objection of USACM
2 Liquidating Trust to Double Counted Claims; and Certificate of Service” [DE 7523] (the
3 “Objection”); the Court having heard the Objection on October 19, 2009; appropriate
4 notice of the Objection having been given; no response to the Objection having been filed;
5 and good cause appearing:

6 **IT IS ORDERED** that:

7 1. The Objection [DE 7523] is sustained; and

8 2. The claims listed on **Exhibit A** are disallowed in the amounts shown there as
9 duplicative amount.

10 PREPARED AND RESPECTFULLY SUBMITTED BY:

11 **LEWIS AND ROCA LLP**

12 By /s/ John Hinderaker (018024)

13 Rob Charles

14 John Hinderaker (*pro hac vice*)

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19 *Attorneys for USACM Liquidating Trust*

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

| | |
|---|---|
| U.S. Trustee: | |
| <input type="checkbox"/> approved the form of this order | <input type="checkbox"/> disapproved the form of this order |
| <input checked="" type="checkbox"/> waived the right to review the order and/or | <input type="checkbox"/> failed to respond to the document |
| Other Party: | |
| <input type="checkbox"/> approved the form of this order | <input type="checkbox"/> disapproved the form of this order |
| <input type="checkbox"/> waived the right to review the order and/or | <input type="checkbox"/> failed to respond to the document |

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Submitted by:

LEWIS AND ROCA LLP

By: /s/ JH (#018024)
 Rob Charles
 John Hinderaker (*pro hac vice*)
Attorneys for USACM Liquidating Trust

Proofs of Claim Asserting Duplicate Amounts

| Name | Address | Claim # | Total Amount of Claim as Listed in Claim Register | Claim Amount Subject To Objection as a Duplicative Amount |
|--|---|-------------|---|---|
| MANTAS, LEO G | 7440 S BLACKHAWK ST #12208 ENGLEWOOD CO 80112-4355 | 10725-02308 | 329,116.00 | 164,558.00 |
| MARILYN JOHNSON LIVING TRUST DTD 10/5/99 | MARILYN JOHNSON TRUSTEE 1010 LARUE AVE RENO NV 89509 | 10725-02125 | 202,800.00 | 101,400.00 |
| MARION C SHARP IRA | 20 LEROY TERRACE NEW HAVEN CT 06512-3114 | 10725-02328 | 450,000.00 | 225,000.00 |
| MARION C SHARP TRUST | C/O MARION C SHARP TRUSTEE 20 LEROY TER NEW HAVEN CT 06512-3114 | 10725-02329 | 15,000.00 | 7,500.00 |
| MARKWELL, MONIQUE | 100 NORTH ARLINGTON AVE #9H RENO NV 89501 | 10725-01968 | 202,384.90 | 101,192.45 |
| MARRS IRA, BOBBIE | 5753 BEDROCK SPRINGS AVE LAS VEGAS NV 89131-3933 | 10725-00445 | 126,278.90 | 63,139.45 |
| MARSHAL BRECHT TRUST DTD 2/5/86 | MARSHALL J & JANET L BRECHT TRUSTEES 640 COLONIAL CIR FULLERTON CA 92835 | 10725-02178 | 3,418,022.00 | 1,709,011.00 |
| MENCHETTI, D G | PO BOX 7100 INCLINE VILLAGE NV 89452-7100 | 10725-02306 | 1,800,000.00 | 900,000.00 |
| MICHAEL REED IRA | FIRST SAVINGS BANK CUSTODIAN MICHAEL REED 259 OVERLOOK DR CADIZ KY 42211 | 10725-02357 | 101,493.04 | 50,746.52 |
| MICHAEL S FREEDUS DDS PC DEFINED BENEFIT PENSION P | 2535 LAKE RD DELANSON NY 12053 | 10725-02144 | 502,741.84 | 251,370.92 |